

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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IRASARI LAZZARO,

Case No. 2:17-cv-00657-JCM-NJK

Plaintiff,

V.

HOTSPUR RESORTS NEVADA, LTD.,

Defendant.

ORDER

12 This matter was referred to the undersigned for an Early Neutral Evaluation on March 3,
13 2017. *See* Notice (ECF No. 2).

14 The Complaint (ECF No. 1) in this matter was filed March 3, 2017. On March 3, 2017, it
15 was referred to the court's conduct Early Neutral Evaluation Program. *See* Notice (ECF No. 2).
16 An Amended Complaint (ECF No. 6) and Second Amended Complaint (ECF No. 10) were
17 subsequently filed on April 12, 2017, and May 31, 2017. Defendant filed a Motion to Dismiss
18 (ECF No. 11) June 13, 2017. On July 18, 2017, the undersigned entered an order setting an Early
19 Neutral Evaluation for August 16, 2017. On August 4, 2017, Judge Mahan granted without
20 prejudice defendant's Motion to Dismiss (ECF No. 11). *See* Order (ECF No. 18). The entry of
21 Judge Mahan's order terminated the ENE that was set in this matter.

22 On August 7, 2017, a clerk's judgment was entered in favor of defendant and against
23 plaintiff. Plaintiff filed a Third Amended Complaint (ECF No. 20) on September 3, 2017, and on
24 September 4, 2017, a Notice of Appeal (ECF No. 21) was filed on the clerk's judgment. On
25 November 7, 2017, the appeal was dismissed for failure to prosecute. *See* Order of USCA, Ninth
26 Circuit (ECF No. 24), and Order on Mandate (ECF No. 26).

27 On November 29, 2017, defendant filed another Motion to Dismiss (ECF No. 28). The
28 Response (ECF No. 31) was filed December 20, 2017, and Reply (ECF No. 32) was filed

1 December 27, 2017. Judge Mahan entered an Order (ECF No. 33) denying the motion to dismiss
2 on September 24, 2018, and defendant filed it's Answer to the Third Amended Complaint (ECF
3 No. 34) on October 9, 2018. A Scheduling Order (ECF No. 38) was entered January 3, 2019,
4 setting a March 25, 2019 discovery cutoff. Judge Koppe, the magistrate judge assigned to this
5 case advised the party at the hearing on the proposed discovery plan and scheduling order that she
6 was not inclined to extend the deadlines. See Minutes of Proceedings (ECF No 37).

7 LR 16-6 (d) contemplates an ENE will be conducted early in the case, within 90 days of
8 the first responding party's appearance in the case. The purpose of an *early* neutral evaluation is
9 to attempt to resolve an employment discrimination case before substantial costs, attorneys' fees
10 and resources are expended. The court finds that the purpose of LR 16-6 in conducting the ENE
11 would not be served at this late date. The discovery cutoff is March 25, 2019 and the court's
12 calendar will not accommodate an ENE prior to the discovery cutoff. The parties will be referred
13 for a mandatory settlement conference after dispositive motions are filed, or the joint pretrial order
14 is filed.

15 **IT IS ORDERED** that the case is referred to the normal litigation track.

16 DATED this 16th day of January 2019.

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19 PEGGY A. LEEN
20 UNITED STATES MAGISTRATE JUDGE
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